

Daniels, G.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY LAYDON, on behalf of himself and all
others similarly situated,

Plaintiff,

- against -

MIZUHO BANK, LTD., THE BANK OF TOKYO-
MITSUBISHI UFJ, LTD., THE SUMITOMO TRUST
AND BANKING CO., LTD., THE NORINCHUKIN
BANK, MITSUBISHI UFJ TRUST AND BANKING
CORPORATION, SUMITOMO MITSUI BANKING
CORPORATION, RESONA BANK, LTD., J.P.
MORGAN CHASE & CO., J.P. MORGAN CHASE
BANK, NATIONAL ASSOCIATION, J.P. MORGAN
SECURITIES PLC, MIZUHO CORPORATE BANK,
LTD., DEUTSCHE BANK AG, MIZUHO TRUST
AND BANKING CO., LTD., THE SHOKO CHUKIN
BANK, LTD., SHINKIN CENTRAL BANK, UBS AG,
UBS SECURITIES JAPAN CO. LTD., THE BANK OF
YOKOHAMA, LTD., SOCIÉTÉ GÉNÉRALE SA, THE
ROYAL BANK OF SCOTLAND GROUP PLC,
ROYAL BANK OF SCOTLAND PLC, RBS
SECURITIES JAPAN LIMITED, BARCLAYS BANK
PLC, CITIBANK, NA, CITIGROUP, INC.,
CITIBANK, JAPAN LTD., CITIGROUP GLOBAL
MARKETS JAPAN, INC., COÖPERATIEVE
CENTRALE RAIFFEISEN-BOERENLEENBANK
B.A., HSBC HOLDINGS PLC, HSBC BANK PLC,
ICAP PLC, R.P. MARTIN HOLDINGS LIMITED
AND JOHN DOE NOS. 1-50,

Defendants.

No. 12 CV 3419 (GBD)

**STIPULATION AND [REDACTED] ORDER REGARDING
MOTIONS TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

WHEREAS, on April 15, 2013, Plaintiff filed a Second Amended Complaint in
the above-captioned matter, in which he alleged violations of the Commodity Exchange Act, the

Sherman Act, and common law;

WHEREAS defendants intend to file multiple joint and supplemental motions to dismiss, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on or before June 14, 2013;

WHEREAS defendants UBS Securities Japan Co. Ltd. ("UBS Securities Japan"), RBS Securities Japan Limited ("RBS Securities Japan"), and R.P. Martin Holdings Limited ("R.P. Martin") may file motions to dismiss, pursuant to Rule 12(b)(2), for lack of personal jurisdiction; and

WHEREAS Plaintiff, UBS Securities Japan, RBS Securities Japan, and R.P. Martin believe it would be more efficient to postpone the briefing related to the motions to dismiss for lack of personal jurisdiction until after the Court rules on the motions to dismiss for failure to state a claim.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that:

1. UBS Securities Japan's, RBS Securities Japan's, and R.P. Martin's time to file motions to dismiss for lack of personal jurisdiction, and briefing in support of any such motions, pursuant to Rule 12(b)(2), is adjourned *sine die*.

2. Notwithstanding Rule 12(h), Plaintiff, UBS Securities Japan, RBS Securities Japan, and R.P. Martin agree that, by adjourning *sine die* the filing of motions to dismiss for lack of personal jurisdiction pursuant to Rule 12(b)(2), UBS Securities Japan, RBS Securities Japan, and R.P. Martin are not prejudiced in and do not waive their rights to subsequently bring motions to dismiss for lack of personal jurisdiction. Nor are UBS Securities Japan, RBS Securities Japan or R.P. Martin prejudiced with respect to any other of their rights or defenses. It is also agreed that by

entering into this stipulation or by joining any of the motions to dismiss to be filed on June 14, 2013, UBS Securities Japan, RBS Securities Japan, and R.P. Martin do not waive or prejudice their rights in any way to subsequently bring motions to dismiss for lack of personal jurisdiction.

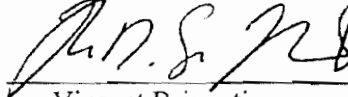
3. The parties further agree that this Stipulation will not be considered a waiver of Plaintiff's right to seek jurisdictional discovery in the event he determines from the motions that such discovery is needed to respond, or of UBS Securities Japan's, RBS Securities Japan's, or R.P. Martin's rights to object to such discovery.

4. If UBS Securities Japan, RBS Securities Japan, and/or R.P. Martin still want to pursue the motions to dismiss for lack of personal jurisdiction after the Court rules on the defendants' motions to dismiss for failure to state a claim, then the parties shall submit a stipulation with a proposed briefing schedule for the motions within 14 days after the Court issues its ruling on the motions to dismiss for failure to state a claim.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be executed in one or more counterparts, each of which counterparts shall be an original and all of which together shall constitute a single Stipulation, and that signatures by facsimile or e-mail shall be deemed originals for all purposes.

Dated: June 3, 2013
New York, New York

**LOWEY DANNENBERG COHEN &
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Attorneys for UBS Securities Japan Co. Ltd.

Dated: June 3, 2013
New York, New York

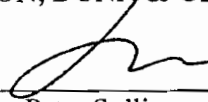
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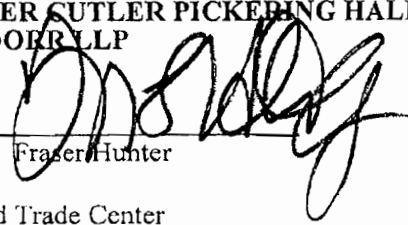
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Attorneys for R.P. Martin Holdings Limited

JUL 17 2013

SO ORDERED:


U.S.D.J.

HON. GEORGE B. DANIELS